

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE ORLANDO AGUILER SANDOVAL, et al.,

Plaintiffs,

- against -

BAYVIEW CAR WASH INC., et al.,

Defendants.
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**REPORT AND
RECOMMENDATION**

14 CV 2648 (CBA)

POLLAK, United States Magistrate Judge:

On April 28, 2014, Jose Orlando Aguiler Sandoval, Santiago Choxom Xuruc, Blas Jimenez Garcia, Jose D. Viera-Sanchez, Byron Wilfredo Salazar, Jorge J. Avila, Wallys Salazar Rivera, Jose Manuel Ostorga, Jose Sierra-Cardona, Byron A. Alvarado Rivera, and Pedro A. Rivera Aguilera ("plaintiffs"), filed this lawsuit against Bayview Car Wash Inc., ACJI Group Inc., Anthony Wong, and Justin Lam, seeking to recover damages for violations of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq. ("FLSA"), and New York Labor Law Article 6 § 190 et seq. and Article 19 § 650 et seq. ("NYLL").

On November 13, 2014, a status conference was held before the undersigned. Plaintiffs had previously filed a motion to amend the Complaint to add a new plaintiff, Edwin Dagoberto Orella Acosta, and new defendants, Lucky Radio, Inc., John Doe 1 a/k/a Jay, and John Doe 2 a/k/a Rafael. At the conference, plaintiffs were Ordered to withdraw the then pending motion to amend and to re-file the motion by November 21, 2014, naming these and several new parties: plaintiff Edwin Dagoberto Orella Acosta and defendants Lucky Radio, Inc. doing business as Bayview Car Wash, Anthony Chin, Jalal Ehrari, John Doe 1 a/k/a Jay, and John Doe 2 a/k/a Rafael. Defendants were Ordered to respond by December 19, 2014, and indicate if they had any objection to the proposed amendments.

In accordance with the Court's directive, plaintiffs filed a motion to amend the Complaint on November 21, 2014, adding the additional proposed plaintiff and defendants named above. On November 24, 2014, plaintiffs' motion to amend was referred to the undersigned to prepare a Report and Recommendation. Thereafter, on December 19, 2014, defendants ACJL Group, Inc. and Justin Lam submitted a letter to the Court, stating that they would not oppose plaintiffs' motion. The remaining existing defendants, Bayview Car Wash Inc. and Anthony Wong, have not appeared in this case, and did not respond to the plaintiffs' motion to amend.

Having reviewed the proposed Amended Complaint, and given that defendants ACJL Group, Inc. and Lam do not oppose the amendments, the Court respectfully recommends that the motion to amend be **granted**.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with a copy to the undersigned, within fourteen (14) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(e), 72(b); Small v. Secretary of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is directed to send copies of this Order to the parties either electronically through the Electronic Case Filing (ECF) system or by mail.

SO ORDERED.

Dated: Brooklyn, New York
December 29, 2014

/s/ CHERYL L. POLLAK 12/29/14

Cheryl L. Pollak
United States Magistrate Judge
Eastern District of New York